

JAN 25 2008

EDL

CV 08 0664
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Rosario Marinello

Plaintiff,

vs.

California Department of Corrections and
Rehabilitation

Defendant(s).

CASE NO. _____

**EMPLOYMENT DISCRIMINATION
COMPLAINT**

1. Plaintiff resides at:

Address 324 Hawthorne

City, State & Zip Code Salinas, CA 93901

Phone (831) 915-5332

2. Defendant is located at:

Address PO BOX 1020

City, State & Zip Code Soledad, CA 93960

3. This action is brought pursuant to Title VII of the Civil Rights Act of 1964 for employment discrimination. Jurisdiction is conferred on this Court by 42 U.S.C. Section 2000e-5. Equitable and other relief is sought under 42 U.S.C. Section 2000e-5(g).

4. The acts complained of in this suit concern:

a. ☐ Failure to employ me.

b. ☐ Termination of my employment.

1 c. ☒ Failure to promote me.

2 d. ☒ Other acts as specified below.

3 1) Removal from a Promotional List. 2) Not being allowed to reinstate into a job position.

4 3) False allegations resulting in invasion of interest in my reputation, and disruption of my ability

5 to conduct business in my occupation or other fields within my background, education, and skill sets.

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7
8
9 5. Defendant's conduct is discriminatory with respect to the following:

10 a. ☐ My race or color.

11 b. ☐ My religion.

12 c. ☐ My sex.

13 d. ☐ My national origin.

14 e. ☒ Other as specified below.

15
16 6. The basic facts surrounding my claim of discrimination are:

17 Retaliation for engaging in protective activities, in violation of the Title VII of the

18 Civil Rights Act of 1964, as amended. The basic facts supporting my claim are:

19 1) Incorrect information was negatively interpreted in my promotional Background Investigation

20 resulting in a Withhold placement from the CCI Promotional list around May 10th, 2007.

21 2) I was not allowed to reinstate in my former position as an M&SSI when requesting on May 31st, 2007,

22 and July 30th, 2007. I was informed by the Chief Deputy Warden at Salinas Valley State Prison the reason was

23 my being the subject of an Internal Affairs investigation that initiated on June 28th, 2006.

24 I explained to an Investigator on September 6th, 2006 that the Allegations are False.

25 7. The alleged discrimination occurred on or about May, 10th 2007.

26 (DATE)

27 8. I filed charges with the Federal Equal Employment Opportunity Commission (or the
28 California Department of Fair Employment and Housing) regarding defendant's alleged

discriminatory conduct on or about September, 4th 2007.

(DATE)

9. The Equal Employment Opportunity Commission issued a Notice-of-Right-to-Sue letter
(copy attached), which was received by me on or about October 10th, 2007.

(DATE)

10. Plaintiff hereby demands a jury for all claims for which a jury is permitted:

Yes ☐ No ☒

11. WHEREFORE, plaintiff prays that the Court grant such relief as may be appropriate,
including injunctive orders, damages, costs, and attorney fees.

DATED: 1/24/08

Rosario Marinello

SIGNATURE OF PLAINTIFF

(PLEASE NOTE: NOTARIZATION
IS NOT REQUIRED.)

Rosario Marinello

PLAINTIFF'S NAME

(Printed or Typed)



U.S. Department of Justice

Civil Rights Division

NOTICE OF RIGHT TO SUE
WITHIN 90 DAYSCERTIFIED MAIL
5057 6516950 Pennsylvania Avenue, N.W.
Karen Ferguson, EMP, PHE Room 4239
Washington, DC 20530

October 10, 2007

Mr. Rosario Marinello
266 Reservation Rd., #F-232
Marina, CA 93933Re: EEOC Charge Against State of California, Dept. of Corrections
No. 556200700924

Dear Mr. Marinello:

Because you filed the above charge with the Equal Employment Opportunity Commission, and the Commission has determined that it will not be able to investigate and conciliate that charge within 180 days of the date the Commission assumed jurisdiction over the charge and the Department has determined that it will not file any lawsuit(s) based thereon within that time, and because you have specifically requested this Notice, you are hereby notified that you have the right to institute a civil action under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e, et seq., against the above-named respondent.

If you choose to commence a civil action, such suit must be filed in the appropriate Court within 90 days of your receipt of this Notice. If you cannot afford or are unable to retain an attorney to represent you, the Court may, at its discretion, assist you in obtaining an attorney. If you plan to ask the Court to help you find an attorney, you must make this request of the Court in the form and manner it requires. Your request to the Court should be made well before the end of the time period mentioned above. A request for representation does not relieve you of the obligation to file suit within this 90-day period.

This Notice should not be taken to mean that the Department of Justice has made a judgment as to whether or not your case is meritorious.

Sincerely,

Rena J. Comisac
Acting Assistant Attorney General
Civil Rights Division

by

Karen L. Ferguson
Supervisory Civil Rights Analyst
Employment Litigation Sectioncc: San Jose Local Office, EEOC
State of California, Dept. of Corrections